

REMARKS

Claims 1-9 are pending in the present Application. Claim 7 has been amended, and Claims 10-11 have been added, leaving Claims 1-11 for consideration upon entry of the present Amendment.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Statement Concerning Common Ownership

Application serial number 10/627,116 and U.S. Published Patent Application No. 2003/0230976 (Application serial number 10/463,636) were, at the time the invention of Application serial number 10/627,116 was made, subject to an obligation of assignment to the Sanyo Electric Co., Ltd.

Drawings

The Examiner has objected to Figure 2 stating that "Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated". (O.A., page 2).

Applicants have amended Figure 2 to include a legend "related art" to correspond to the brief description of the drawings in the specification at page 7, lines 3-4. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

Specification

Applicants have amended the specification at page 12, line 21 as suggested by the Examiner in the Office Action. More particularly, the phrase "is it also possible" has been amended to "it is also possible". Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-2 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Published Patent Application No. 2003/0230976 to Nishikawa et al. Applicants

respectfully traverse this rejection.

As correctly noted by the Examiner, Nishikawa et al. can be disqualified as prior art as to this application. More particularly, for applications filed on or after November 29, 1999, a reference can be disqualified as prior art if the Applicant can show that the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See 35 U.S.C. 103 (c), MPEP 706.02(1)(1) and 706.02(1)(2). As noted in the clear and conspicuous statement above, Application serial number 10/627,116 and U.S. Published Patent Application No. 2003/0230976 (Application serial number 10/463,636) were, at the time the invention of Application serial number 10/627,116 was made, subject to an obligation of assignment to the Sanyo Electric Co., Ltd. Therefore, Nishikawa et al is now disqualified as prior art. Accordingly, this rejection is moot.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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